REMARKS

Reconsideration of the present application is requested on the basis of the following particulars.

1. In the Claims

As shown in the "List of Current Claims," claim 1 has been amended to more positively recite an inventive feature of the impeller of the present invention. As originally presented, claim 1 was drafted in a so-called Jepson-type form wherein structural elements of the invention were presented in the preamble. It will be noted that in a Jepson type claim, the claimed invention consists of the preamble in combination with the improvement, and it follows that the preamble of this type of claim is considered to positively and clearly include all the elements or steps recited therein as a part of the claimed combination (*see* MPEP 608.01(m)). In the most recent Office Action, it is readily apparent that the structural limitations recited in the preamble of the impeller of the present invention were given no consideration.

In order to facilitate the examination of amended claim 1 in view of the prior art reference cited in the last Office Action, claim 1 has been amended so that it is no longer in a Jepson-type format, and more clearly recites that each of the paddles is oriented to extend at an angle relative to a radius of the rear base plate and the at least one ring such that the radially inner axially extending edge of each paddle is located in leading relationship relative to the radially outer axially extending edge of the respective paddle with respect to an intended direction of rotation of the impeller. Since this feature of the impeller of the present invention was originally recited in the preamble, applicants submit that this amendment does not introduce a new limitation to claim 1.

New claim 6 further defines the aforesaid feature of claim 1 such that the angle at which the paddles extend relative to the radius of the rear base plate and the at least

one ring is greater than 0° and at or less than 40°. Support for this limitation is found on page 11, third full paragraph.

Acceptance of the amendment to claim 1 and new claim 6 is respectfully requested in the next Office Action.

2. Rejection of claims 1 and 5 under 35 U.S.C.§ 102(b) as being anticipated by U.S. Patent 2,478,651 (Blachere)

Claims 1 and 5 presently stand rejected as being anticipated by the disclosure of Blachere. Applicants respectfully traverse this rejection on the basis that the disclosure of Blachere fails to disclose or suggest the impeller of the present invention, as recited in claim 1. Claims 5 and 6, which depend directly from claim 1, are patentable based on their dependency from claim 1 and their individually recited features.

As recited in claim 1 of the present application, the paddles of the impeller of the present invention are defined as:

> being rectilinear in shape and extending at an identical and constant angle relative to the axis of rotation of the impeller, the end of each paddle located adjacent the rear base plate being located at least in a partially trailing relationship relative to the end of each paddle located adjacent to the at least one ring with respect to an intended direction of rotation of the impeller; and
>
> being oriented to extend at an angle relative to a radius of the rear base plate and the at least one ring such that the radially inner axially extending edge of each paddle is located in leading relationship relative to the radially outer axially extending edge of the respective paddle with respect to an intended direction of rotation of the impeller.

In the Office Action, the disclosure of Blachere is provided as an example of a teaching in the prior art that discloses a plurality of food conveying paddles (vanes 6 in Blachere) that are rectilinear in shape and extend at an angle relative to the axis of the a base plate and an annular ring. Despite this observation, and as noted above, the Office Action fails to provide any teaching of paddles being oriented at angle relative to the radius of the cylinder.

The disclosure of Blachere is related to a grape destemming and pressing machine. This machine is arranged so as to receive grapes in bunches and subject such grapes to two successive crushing or pressing treatments. Intermediate the crushing treatments, the stems and stalks are separated from the crushed grape mixture and expelled from the machine. It is in this intermediate stage that the vanes of Blachere identified in the Office Action are used.

In observing FIGS. 1 and 2, Blachere illustrates the vanes as extending at an angle relative to the axis of cylinder 5. While the vanes extend at an angle relative to the axis of the cylinder, such vanes are not shown in the drawings nor are they discussed in the specification as extending at an angle relative to the radius of the cylinder.

It will be understood, as recited in claim 1 of the present invention, that the paddles of the present invention are arranged to carry elongated food products during rotation of the impeller by generally axially aligning the food products along the paddles and to urge one end of each food product against a rear base plate of the impeller.

The vanes of Blachere are described as being arranged to rake and stir up the mixture of crushed grapes and broken stalks and stems and to create an air draft which draws the stalks and stems out of the machine (col. 3, lines 22-29). There is no disclosure or suggestion in Blachere of the vanes being capable of conveying elongated food products by axially aligning such food products against a base plate as in the present invention. Instead, it is clear that the vanes of Blachere are provided to expel

certain parts of the grapes out of the machine while maintaining other parts of the crushed grapes within the machine. Thus, while the vanes are provided to separate the portions of the grape mixture, this can hardly be construed as aligning elongated food products against a rear base plate, as performed by the impeller of the present invention.

Thus, when properly interpreted, the disclosure of Blachere requires vanes that are provided to separate certain potions of food products. The Blachere patent does not discuss or show an impeller construction that is provided to convey and align food products, but instead describes a general purpose food product crushing and separating machine. Although the Blachere patent does describe vanes extending generally at a constant and identical angle relative to the axis of a cylinder, it does not illustrate the vanes as extending at an angle relative to the radius of the cylinder. Thus, even an artisan of ordinary skill must guess about how exactly the configuration of the vanes of Blachere would substitute for the configuration of the paddles of present invention and whether such vanes would even be capable of conveying and aligning food products. In fact, the disclosure of Blachere makes no suggestion of any kind about the structural suitability of the vanes for conveying and aligning elongated food products against a rear base plate. Accordingly, the disclosure of Blachere fails to anticipate the impeller recited in claim 1 of the present invention on the basis that it fails to teach every limitation of the claim, either expressly or inherently, and that it does not sufficiently describe the impeller of the present invention to place a person of ordinary skill in the field of the invention in possession of it.

In view of the description of Blachere, applicants further submit that there is no motivation or suggestion contained therein that would tend to lead a person of ordinary skill in the field of the invention to modify other impellers disclosed in the previously cited prior art references to make an impeller having paddles that span a base plate and an annular ring, and are arranged at an angle relative to the axis and radius of a base plate and annular ring so as to align and convey elongated food products to at least one

least one cutting knife located near the periphery of the impeller when configured in a rotary food slicing machine. Accordingly, applicants submit that it would not be obvious to modify existing impellers in view of the disclosure of Blachere to include a plurality of food conveying paddles that are rectilinear in shape and extend at an identical and constant angle relative to the axis of rotation of the impeller.

Accordingly, claims 1, 5 and 6 recite subject matter that is not disclosed or suggested in the disclosure of Blachere, and further such subject matter would not be obvious in view of the disclosure of Blachere and other previously cited art prior references, whether considered collectively or individually. Withdrawal of the rejection is therefore respectfully requested.

3. Conclusion

In view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 1, 5 and 6 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicants' attorney, the Examiner is invited to contact the undersigned at the numbers shown below.

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Date: October 20, 2003

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